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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,040	03/30/2001	Kelly Ervin Sonderegger	56932.000005	5143

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/821,040

Applicant(s)

SONDEREGGER ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant amended claims 1, 6, 11, 16, 17, 20, and 21. All pending claims (1-23) were examined in this final office action. The Examiner is suggesting to the Applicant to consider a telephonic interview for further discussion.

Response to Arguments

Applicant's arguments filed 31 October 2006 have been fully considered but they are not persuasive.

Brody's invention is in the same field and solves the same problem- not revealing personal information when completing a transaction. Specifically, Brody disclose modules being written and installed on the merchant's web servers and interoperating with the merchant's e-commerce applications to facilitate the generation and/or use of an anonymous card. When a consumer opts to make a transaction with a merchant the consumer can select, via a graphical user interface to make an anonymous credit payment (see 0048). Within this same paragraph Brody discloses that with the above scenario the merchant is never privileged to any account information specific to the consumer. Brody previously disclosed account information Brody discloses an information broker. Brody discloses the system existing as a branch of any affiliated bank to facilitate

transaction processing (0028). The Applicant discloses a bank as an information broker. Brody further discloses the consumer establishing an agent relationship with the systems of the Brody invention (0090). Please note: the Applicant discloses typical use of a web browser regarding online browsing while viewing a merchant's web site. Only when the transaction is to be completed does the Applicant's user activate the anonymous transaction interface.

Brody further discloses the invention presenting a pop-up payment panel (0049). A pop-up panel depicts a form. It's a design choice as to whether the designer decides to have a pop-up panel that is displayed only when needed (i.e. saves screen space) versus displaying the same functionality on every web page (i.e. using screen space on every screen). The issue of patentability for this application does not rely upon such fundamental subject matter.

Brody thoroughly discloses a plurality of options associated with the information broker (see at least 0028). Brody discloses a plurality of options associated with the information broker pertaining to how the anonymous transaction server participates. The issue is that "plurality" as claimed is overly broad. A plurality of options associated with the information per the Applicant's specification deals with the options identified as 216 (Delivery), 214 (Name), 212 (Credit), and 218 (Other) in Figure 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1. Claims 1-17 and 19-23 are rejected under 35 USC 102(e) as being anticipated by Brody et al. (Paper #5, patent application publication 2001/0029485, hereinafter referred to a "Brody").**

Brody teaches all the limitations of Claims 1-17 and 19-23. For example, Brody discloses a method for enabling a user to transact an anonymous online purchase and payment (please see at least abstract; paragraph 0002 through paragraph 0010). Brody discloses a system for enabling a user to transact an anonymous online transaction featuring remote computers connected to an anonymous transaction server via the Internet communicating with online merchants (please see at least abstract; page 1, 0002 through page 2, 0010). Brody discloses an anonymous transaction server that generates customer profiles containing true customer profile data and anonymous customer profile data. Brody discloses an information broker- the system existing as a branch of any affiliated bank to facilitate transaction processing (see 0028), and further

discloses the consumer establishing an agent relationship with the systems of the Brody invention (see 0090). Brody further discloses:

- Providing an anonymous user interface: pseudo-random name attribute (please note: manipulates customer name) may provide benefit that true name is not known to the merchant (see at least abstract; 0009, 0037); consumer uses a graphical user interface, makes anonymous payment, and never exposes true identity to merchant (see at least 0048). Please note examiner's interpretation: consumer using a graphical user interface using anonymous data whereby the merchant does not know the true identity of the consumer is using an anonymous graphical user interface.
- Plurality of options: (see 0028)
- Accessing a first profile comprising user data: first profile contains true user data (see at least page 2, 0011, 0012; page 6, 0041).
- Generating a second profile linked to the first profile: second profile contains anonymous data linked to first profile (see at least page 2, 0016).
- Single use transaction number associated with user credit card: (see at least page 5, 0039).
- Alias name: Pseudo-random attributes (e.g. customer name) (see at least page 1, 0009).
- Storing profile information: browser cookies, using cookies to store information on a user's computer, using cookies containing any arbitrary information, cookies containing information to authenticate or identify a

registered user of a web site without requiring them to sign in again every time they access the site, user cookies used to facilitate communication between the merchant and the anonymous transaction server storing customer information in a cookie comprising name, address, account information (please note: address information provides demographic profiling information); using cookies for site personalization (please note examiner's interpretation: user profile determines what information to present to the user) (see at least 0047).

- Communicating the anonymous data from second profile without user interaction: ATS uses customer's cookie to automatically obtain the merchant's URL; through cookie ATS and merchant site can communicate without consumer interaction (see at least 0047).
- Anonymous address: customer supplies anonymous card data (please note: anonymous card data includes customer's address as disclosed on page 6, 0041) upon merchant request for card number, shipping address, and name (see at least Fig. 3 (65); page 1, 0005; page 6, 0041; page 7, 0045).
- Accessing over secure communication path: (see at least page 6, 0041).
- Concurrently displaying: merchant's web page and interactive pop-up applet or payment panel to facilitate the generation or use of an anonymous card (please note examiner's interpretation: pop-up applet or

payment panel provides options to the customer (see at least page 7, 0048-0049).

Pertaining to system claims 6-15, 17, 19, and 20

Rejection of claims 6-15, 17, 19, and 20 is based on the same rationale as noted above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 18 is rejected under 35 USC 103(a) as being unpatentable over Brody (Paper #5, patent application publication 2001/0029485), in view of Official Notice (regarding old and well-known, prior art submitted as evidence in Paper #20060417)**

Brody teaches all the above as noted under the 102(e) rejection and teaches pop-up panels serving as a transaction interface concurrently displayed with the graphical user interface, but does not disclose displaying the anonymous transaction interface whenever the browser is displayed. The Examiner takes the position that it is old and well-known in the arts to display panels such as toolbars concurrently and persistently in web browsers or other types of graphical user

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interfaces to provide application selection convenience for the user. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Brody to implement toolbars for application selection as taught by Official Notice, in order to provide a user convenience.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', is written over a horizontal line.

Robert M. Pond
Primary Examiner
January 21, 2007